IN THE

SUPREME COURT OF THE UNITED STATES

1981 TERM

NO. 80-6698

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

MILLICENT LINDEN,

Appellant,

- v. -

DAVID FOX and SAMUEL GRAFF

JURISDICTIONAL STATEMENT

ON APPEAL FROM THE APPELLATE DIVISION
OF THE SUPREME COURT OF THE STATE OF NEW YORK

Millicent Linden
Appellant-Plaintiff
Pro Se
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ON APPEAL FROM THE APPELLATE DIVISION
OF THE STATE OF NEW YORK SUPREME COURT

JURISDICTONAL STATEMENT

NOTICE OF APPEAL - Exibhit No. 1 - following Page 44

LOWER COURT ORDERS-Exhibits 2 thruough 5
following NOTICE OF APPEAL

EXHIBITS 6 though 44 - follow Lower Court Orders

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ON APPEAL FROM THE APPELLATE DIVISION
OF THE SUPREME COURT OF THE STATE IF BEW YORK

JURISDICTIONAL STATEMENT

Appellant appeals from a judgement of the Supreme Court State of New York Appellate Division rendered on May 5, 1981 citing "lack of jurisdiction" from an order of the Appellate Term of the Supreme Court of the State of New York denying plaintiff-appellant herein an appeal in Forma Pauperis in the above-titled action dismissed in the Civil Court of the City of New York, January 23, 1981 and August 8, 1980, respectively, and rendered "unappealable" by the State of New York Court of Appeals on February 11, 1981, to deny appellant-plaintiff the right to be heard on appeal for lack of monies, denying plaintiff-appellant the right to be heard on the issues in the COMPLAINT which have NEVER been ruled on in any court at any time, endurring cruel and unusual punishment upon a disabled litigant in the right to seek justice and to have justice served in causing undue, unwarranted, unusally prolonged procedures infringing upon limited physical abilities and energies through GROSS violation of equal dispensation of the law and breaking the law by lawyers affirmed by each court through denial of appeals, ruling on issues and claiming "lack of jurisdiction"

on such matters as FALSE COURT order, FALSE CLAIM of plaintiff's COMPLAINT and contention and court documents attesting to the false statements by both the benches and the opposition counselors, plaintiff arguing that the action was against the defendants who are lawyers for the opposition and who submitted a false court order to strike the case off the calendar with no record of the order in any clerk file and with a signed statement by the Motion Court bench that the motion in question had not been ruled on at all, just one of a long list of violations of the law by lawyers for the opposition in a medical malpractice action and the presiding bench in plaintiff's efforts to be heard on the documented proofs alleging that plaintiff sought to re-instate the medical malpractice when not even the lawyers representing the defendant lawyers ever hinted at such a claim by plaintiff anymore than plaintiff had done so, the foregoing but a long list of a slew of WHOLESALE acts of INJUSTICE within all of thelower courts in the instant matter and in other matters pertaining to plaintiff's professional works, thus invading plaintiff's life and livlihood, both imperative and fundamental to survival and clear violation of our most fundamental Constitutional rights to life and liberty, the equal dispensation of the law, the diametrically opposite mandate of the DECLARATION OF INDEPENDENCE, the right to speak for one's self on the facts on record, the right to independence of the individual, individual rights all annihilated in the representative example of the words of one bench:

GO TAKE UP SOME RELIGION, LAWYERS GOT TO LIVE"

exposing the acts and attitudes of the prevailing, prevalent permeating prejudices of the members of the field of law and "order" thus extending their own brand of friction, violence and lack of regard for the essence, the dignity of life, anyoen's life, the pro se injured litigant as it is protective of the field of crime and physical violence, the courts abandoning in their own brand of "violence" indirectly incurring physical harm and abuse through unwarranted, undue appearances with knowledge of plaintiff's

severe and serious physical disabilities making extreme sacrifices to uphold the right of redress, of justice that is synonomous with life itself and cannot be surrendered to injustice no more than these who resisted with sacrifices the tyranny and abuse of power leading to the DECLRATION OF INDEPENDENCE and the formation of our Constitution to preserve those rights, and with exhaustion of those avenues in the lower courts countermanding the mandates of our Constitution in an enclave of a "fraternity club" atmosphere, plaintiff submits this Statement to show this Court clearly has Jurisdiction of this Appeal as the court of last resort obliged to uphold the CONSTITION in the very heart and essence of its existence, the RIGHTS OF THE INDIVIDUAL within the whole of society of which society is made up, individuals, and their independence so enciuraged as ideal cannot be left to be a victim of the abuse of power unduly shown to cause physical harm to the independent individual and deprived of the fundamental mandates of the Constitution.

CITATION OF OPINIONS BELOW

This Court will find N O O P I N I O N S ANYWHERE at any time in any of the contentions of plaintiff's issues and COMPLAINTS in all of plaintiff's efforts to be heard in personal and professional mabbers, herein and in other actions pertaining to plaintiff's stolen professional works, thus leaving plaintiff entirely UNPROTECTED for both economic and physical survival, as GROSS a violation of the rights of the individual under the law as any other more obvious and immediate like a dramatic act of assault with intent to inflict serious harm, however more insidious and subtle when it is done under the Garb and cloaks of officers of the law as lawyers and the willing collaborationists on the benches, preferring to transcend the facts and their merits by taking precedence to the considerations of the welfare of those promoting self-iherests above the life and life-works of the unprotected, independent individual

JURISDICTION

The persistent, obdurate insistence of all the lower courts to deny plaintiff the right of appeal inFForma Pauperis without giving reason, without referring to the merits of the facts and the issues they represent, without regard to the documented facts in all the records and files, without regard to the equal dispensation of the law, and in one instance, going so far, even, as giving legal advice to oppoiition lawyers against a pro se litigant, and finding no support for the advice, in that plaintiff had followed and adhered to all requirements demanded in procedures and statutory periods, and the court finding an absence of default, denies ruling and appeal on the grounds of "sua sponte", and without concern for an individual's efforts to seek justice at the very sacrifice of physical limitations well-documented medically, repeatedly and with declining physical powers precisely because of the abuse by the courts and lawyers, and even going to the extent of actually making FALSE statements when the statutes do not uphold designs of personal interests, making GROSS MISRPRESENTIONS by both benches and laweyrs, formidable powers against one solitary, independent pro se litigant, physicall disabled, professional works stolen, etc., leaving plaintiff-appellant bereft of "law and order" however disguised from the seat of power and collective colleagues, then the very heart of the matter becomes a matter of JURISDICTION before this Court, this Court held responsible for upholding the mandates of our CONSTITUTION, hwoever humble the circumstances of one individual, for it is precisely the fact that finding protective covering among themselves, the pattern and practices remains unabated and spreads worse than wildfire and with worse damage to both the spirit of the law and the actual practice of the and life.

The Greates minority is the minority of one, the individual, and the Greatest prejudice of all is for the independent individual

Best Copy Available

QUESTIONS PRESENTED

1. SHALL THE PLIGHT OF THE PRO SE LITITGANT be condemend to surrender to the tyranny of the abuse of the power vested in members of the court system, or shall the rights of the individual prevail as amdnated by the Constitition?

2. SHALL THE PREJDDICE AGAINST THE PRO SE LITIGANT REMAIN UNSUNG THOUGH IT IS THE GREATEST OF ALL PREJUDICES as it the Greatest minority of all minoritiies, that of one, the sole individual, unprotected by any court to leave the powers of tyranny to continue unabated in direct violation of the very essence of our Constitution?

3. SHALL PLAINTIFF'S LEGITIMATE CLAIM TO BE HEARD AND TO BE HEARD ON THE DOCUMENTED FACTS, AND TO HAVE THE FACTS RULED UPON THEIR MERITS GO WITHOUT RECOURSE TO LAW IN ANY COURT SAVE THIS ONE?

4. SHALL THE FALSE COURT ORDER, THE FALSE STATEMENT BY LAWYERS AND JUDGES, respectively, as is the fact among a long list of illegal prxactices in the instant matter, be relegated to limbo?

5. SHALL THE OPINION EXPRESSED IN WRITING BY AN ADMINISTATIVE JUDGE, Francis X. Smith, of the Civil Court of the City of New York, establish the practice of all courts when said administrative judge wpote that injustice is a fact oflife and must be accepted?

Best Copy Available

6. SHALL THE RIGHTS OF THE INDIVIDUAL BE SUBMERGED AND SURRENDERED TO ILLEGALITIES BY COURTS AND LAWEYRS TO THE EXTENT OF JEOPARDIZING LIFE ITSELF AND LIFE'S WORKS OF THE PLAINTIFF'S SOLELY BECAUSE OF LACK OF MONEY WHILE BEING ORIGINATOR OF CONSTRUCTIVE SOCIAL

CONSTITUTIONAL PROVISIONS INVOLVED

Article	Section	Clause
14	1	--
"No STATE shall deny to any person within its jurisdiction the equal protection of the law"		
3	2	2
"The SUPREME COURT shall have Appellate jurisdiction both as to law and fact.."		
1	--	--
"The right to..redress of Grievances shall not be abridged.."		
8	--	--
"..nor cruel and unusual punishment inflicted.."		

STATUTORY PROVISIONS INVOLVED

All State Codes of ethics, all State statutes, all civil procedures Granted to non-pro se litigants denied to plaintiff-pro-se herein.

1 (a) Plaintiff-Appellant is a native of the City of New York; all New York State and City Courts DENIED plaintiff equal protection under the law despite being within its jruisdiction, the courts alleging denial of rights for "lack of jurisdiction, and lack of monies, for appeals, and total lack of ever at any time considering the issues of proven facts in plaintiff's COMPLAINTS.
(See exhibits nos. 2 through 10 offical documentation providing and supporting unassailable proof of above)

2 (a) ALL lower courts have denied plaintiff due process violating our Constitution, leaving this Court alone to render justice and protection (fact & law of Civil Rights by direct and right of appeal herein.

3 (a) Plaintiff's rights have been abridged in every manner all exhibits herein are but rerpresentative of a long list of Grievances in all original records.

4 (a) The pursuit of the legal right to facts of issues and laws ruling on their merits meted out with obdurate persistence by benches and lawyers with knowledge aforethought by all tovolved show physical aggravation to already existing disabilities incurring, thereby, cruel & unusual punishment for nothing more than legal rights
(Exhibits noumers 11 through 16)

STATEMENT OF THE CASE

Documented F A C T S

1. UNITED STATES MILITARY ACADEMY, West Point, New York
WASHINGTON, D.C. PRISON

1959 through 1962

plaintiff presented first public application of plaintiff's original research program entitled

TENSION-in-REPOSE

applying the principles of spontaneous, unpremeditated continuous movement through fundamental scientific facts and natural laws teaching dancing to the cadets at West Point, social dancing and Ballroom Etiquetts, and class sessions for prisoners at Washington, D.C. jail of the special designs of the T-in-R program.

Exhibits 17, 18, 19:

Offical reports, West Point officer in charge
Pix Photographer-cadet classes
Prisoners' Article publication

reporting results-plaintiff's unprecedented T-in-R program

Exhibit 20; WHAT THE DANCE CAN MEAN
Printed in THE ETHICAL OUTLOOK and
THE MUSIC JOURNAL; 1959,1961

Plaintiff't first puslished article prior to first publication of formalized system of T-in-R in printed books:

(This preliminary background is necessary to those arguments of cruel and unusual punishment, undue denial of due process, equal dispensation of the law)

Exhibits 21,22,23: Reports-plaintiff's professional singing:

Sigmund Spaeth-Musicologist,editor
Alan Hovhaness-classical symphony composer
accompanying plaintiff in concert
normal,natural mouth openin, high B natural
prior to injury to the jaw joint-1972

Exhibit 24: an early newspaper report on plaintiff's T-in-R program describing plaintiff's activities-teaching a wide variety of persons in different fields, including Congressmen, executives, ballet dancers,etc. (Plaintiff lived in Washington,D.C,:1961-2)

Exhibit 25: one of series of MUSIC THERAPY in hospitals staff report of patients' recalls & requests (Bellevnue Hosp.)

Exhibit 26: Excerpt of second publication-reprinted in cloth (Fawcett & Information Inc. respectively) (evolving from first book "WHY YOU SHOULD NOT EXERCISE" sub-titled: "Weightlessness for Earthlings" printed

in Washington, D.C., 1961, reprinted 1962, Fawcett contract-1965 (Stretch & Discover TENSION-in-REPOSE, reprinted as STRETCH FOR LIFE, 1966 and 1968 respectively) the excerpt dealing with the rarity and scarcity of compassion, of its wole in medicine, etc.

Exhibits 27, 28:29, 30÷31, 32, 33:

Brief descriptions of TENSION-in-REPOSE; Anthropological evolution in the LADDER OF LIFE with plaintiff's unprecedented treatment of roots and role of structural design past and its clues to nest progressive advance of theupright posture through the CONCAVE CURVEavoided like the plague in all of human history and lost for it inherent harmony for human welfare and contemporary issues

Exhibits 34, 35, 36:

Excerpts, tezt, last chapter:STRETCH FOR LIFE essentially, there is a biological basis for all behavior, opposite to "It's all in themind" that human species is one-minute old in Gologic time while the wisdom of and in the body is a rpodcut of the ages and the universe, that the force of Gravity is the weakest and the last of the four strong forces in nature, proven at Princet0n of Einstein's finding, Gravity practically non-existent, and no one had ever utilized Known fact that all lift stems from the concave curve until inception of TENSION-in-REPOSE; ending quote from Shakespeare:

"YET! ALL ŒKR REMEDIES WITHIN US LIE
WHICH WE ASCRIBE TO HEAVEN"

Exhibit 37:

Columbia Broadcasting System in process of Walter Cronkite series of the UNIVERSE and response to plaintiff's attention to fact Movement among stars by well-known, popular astronomers and physicists attributed to and ascribed to Gravity despite knowledge that Gravity is weakest of nature's 4 strong forces.

Exhibt 38:

NEW YORK ACADEMY OF MEDICINE acceptance of plaintiff's works in its library-card catalogues.

Exhibit 39:

Fenton Schaffner, M.D. director, pathology, Mt. Sinai, before whom (and staff) T-in-R was presented in lecture and demonstration and themedical support of its merits and effort to obtain aid in Grant support.

Exhibits 40, 41:

Readers' reprots, summary of some other reports; One of numerous public appearances such as with Tony Randall on television, Tonight Show, etc.

The above are entered as part of rebuttal to defense attorney's arguments and the self-evident attitudes of sitting benches known not to have read plaintiff's Briefs, indicating presumption of "illiteracy" "irresponsibility" "frivolous" in the legal sense,

as well as a host of other devices to act in a manner showing clearly the diesire to have plaintiff melt into the woodwork, to sweep violations of the law, deprivations of civil rights, physical harassments upon a disabled lititgant, etc., but plaintiff's known reverence for life does not exclude her own, and the directly relevant, pertinent factors in the deprivation of liberty with infringement upon life forces and life works.

In addition, the aforecited background is to establish the facts of physical activities with robust, above-average health prior to injuries by two professionals.

March 22, 1972: Jaw joint dislocated during consultation with Nathan A. Shore, D.D.S. specialist in temporomandibular joint dysfunction; One of plaintiff's T-in-R pupils, a Tiffany executive, gave plaintiff literature on the special technique of re-alignment of the jaw joint; plaintiff's whole thrust in the original Tension-in-Repose program is that of A L I G N M E N T of the WHOLE body through nature's forces of evolution, never contemplated nor observed nor exploited.

Plaintiff had a slight click in the jaw happening only on occasion infrequently and never interfered with professional singing, lecturing, etc.

September 17, 1973:

Plaintiff's pelvis was severely misaligned after a year's successful treatments by one Nathan Novick, D.C., the chiropractor defendants herein represented.

Plaintiff learend that orthopedists do not treat and jaw joint dysfunction; a college professor working in the typing room at the New York Public Library at 42nd St. and Fifth Avenu, had performed plaintiffs T-in-R program (afer discussion when plaintiff was preparing the seond manuscirpt for Fawcett, told Dr. Novick about it, who wrote to Knox Burger, Fawcett editor-in-chief Gold Medal books that he found radical improvement in his patient's (said college professor) extreme curvatures of the spine; he had fvound the only bookstore in the City still carrying plaintiff's first book WHY YOU SHOULD NOT EXERCIS without being told of it at all.

The cervical vertebrae had become subluxated following the injury to the jaw joint and there was severe muscles spasms in the area of the jaw joint, the neck and shoulders.

Dr. Novick's course of treatment in a year's period combined with plaintiff's own Tension-in-Repose program was brining about successful results; unprecedented medical problems

arose with the injury to the jaw joint due to childhood osteomyelitis, entirely healed and with no interference with winning fencing competitions, and other athletic activities in high school and professional dancing later.

A characteristic of osteomyelitis is that ih the healing process, the srugical intervention where the bone was scraped changes the architecture of the femur, the thigh bone becoming denser, thicker than the normal one in the other leg. In plaintiff's case, the left leg was the one with the seep-seated scars from childhood surgery.

Dr. Novick was aware of the childhood surgery, aware of the thickening that results in the bone, having explained in the course of the year's tretments, 3 times weekly, that the idsturbance to the jaw upset the internal adjustments and the affected the whole of the body which was the reason for the ext3nded muscles spasms in the[thoracic region. Dr. Novick's adjustments included reflexing those nerve centers wherethe muscles went into spasms; the net effects enhanced the fundamental structure.

On one occasion, the topic of symmetry arose, and Dr. Novick said he did not believe in human symmetry; plaintiff never mentioned the subject again; one is entitled to one's belief and plaintiff is not inclined to arguments or pressing unduly, preferring to let nature takesits course and the premise of human symmetry establishingiteslf through other means.

However, there is no alternative avenue when the body itself takes on its own evolving development, for with the steady improevement during the courser of treatments by Dr. Novick and plaintiff's own original program, body symmetry took on self-evident observation. Also, Dr. Novick had noted that plaintiff's subjective findings had uniformly been upheld with and by objective examination, at one point, Dr. Novick asking plaintiff how did it feel when plaintiff felt a certain inner movement taking place, that such a ahppening would not be known do manifested for at least two months under usual circumstances and condtions.by others.

These facts pertain to what follows in court later.

With a year's routine of treatments, lying face down, reflexing the mueslce nerves in the back where the spasms were, etc. then turning over, etc. for other phases of treatment, the manner of treatment beomces familair and routine.

However, without explanation, without telling plaintiff anything atall, Dr. Novick lifts plaintiff's left leg, the one with the deep scars and thickened bone of which he had knowledge, on September 17, 1973, presses the left kneee down while at the same intant raised the left heel without stabilzing the pelvis and without any justification, explanation nor reason.

Immeidately after, plaintiff, for the first time ever, even after the childhood surgery, could not walk.

Plaintiff could not get any colleague to appear as an expert witness, time was consumed in the search bearing upon the statutory period, lawyers approached would not take on the case without an expert, etc., and so plaintiff had no alternative but to proceed in personal appearance in bringing action against Dr Novick.

Plaintiff used the defendant, Dr. Novick, as an expert witness inthe course of questioning and examination.

Under oath, defendant Novick openly admits his action.

Defendant Novick's testimony is a matter of court record. Exhibit 16 is a Glossary of the three-day non-jury transcripts.

In his testimony, Dr. Novick alleges at first that he suspects a "fracture" on the alleged grounds of "sitting down" without any collision with any object of any kind. under which no "fracture" situation can occur.

Defendant Novick admits he ordered no X-rays though he said he suspected a fracture, the reason, he does not "insult the body".

Dr. Novick describes the orthopedice "FABER-PATRICK"

test used for inflammation of thepelvis, as he performed it on plaintiff on September 17, 1973.

Defendant was asked if it was not Boy Scout knowledge aa well as common First Aid fact that where a fracture is suspected, no movement is to made on the site of the suspected factrue. Defendant made no reply.

Asked for signs of inflammation of the pelvis, he could give none. Asked if plaintiff was phyysically active during the course of treatments at least to the extent of walking and andperforming daily routine chores, and if plaintiff had been physically active professionally prior to the injury to the jaw, defendant's reply was that it was an act of the will by plaintiff to have been physically active at any time becasue of the childhood osteomyeelities.

Asked why paraplegics do not get up and walk by an act of the will, defendant made no reply.

Defendant Novick admits to using pressure on the site he alleged as "fracture" and to active movement, that there was no fracture found after the "test" of active movement, without X-rays, though his office is full of X-rays, citing 42 years of experience as a Chiropractor, that he did read X-rays for other patients, etc., etc., etc.

On August 17,1974, the second day of trail transcript, Defendant Novick openly admits to twisting plaintiff's knee and never supporting the pelvis as the Fabr-Patrick test calls for even if there was no sumptom of inflammation of the pelvis.

The trial bench found for the defendant writing in his opinion that defendant had followed prevailing standard practices.

All appeals affirmed the lower court. The presiding trial judge was Judge DAVID STADTMAUER in the Civil Court of the City of New York, August 14, 17, 27, 1974. The Index Number is 30784/74.

The new information plaintiff did not havepiror to the above acgion provided plaintiff with new evidence for a new trial, this time before a jury.

In the second action with the new evidence, defendants herein, David Fox and Samuel Graff of the firm of ISAACSON, ROBUSTELLI, FINE & GRECO, 277 Broadway, New York, N.Y., explained that Dr. Novick 's insurance carriers who rerpeseented him in the first action refused to represent him in the second suit/

Defendants herein, lawyers repreesenting Dr. Novick in the second action, moved in the Supreme Court of the State of New York, alleging plaintiff had not verified the Bill of Particulars whereas plaintiff had plainly done so and fvulfilled all demands to satisfaction; defendants herein had undertaken other motion alleging non-response to a demand in a letter, annexing an alleged correspondence to the sitting motion court and providing none for plaintiff. As the Brief made reference to the demand and plaintiff had not received any such demand, plaintiff caled the Justices chambers; the clerk, unaware of the question, simply stated that the original motion papers did contain such oorrespondence; plaintiff asked to have a copy sent; the Justices chambers did not send a copy, but defendants herein sent a copy noting the fact that the request ahd been nade.

There is a long series of GROSS VIOLATION by defendants herein and an equally GROSS disregard of the breaking of the law by the lawyers against a disabled, pro se litigant, some of which are detailed in Exhibit 9 herein.

But the worst of all the violagions of laws and order and procedures is the one in which defendants herein unabashedly presented a F A L S E C O U R T O R D E R at the call of the trial calendar.

The sitting bench, Judge Bernard Weiss, merely seeing "Supreme Court" at the heading said it was enough for him, struck the case off the calendar, and almost yelling from the bench to not say a word when plaintiff had only gasped in utter surprise at the order since plaintiff had gone to the court clerk's minute book to see if any ruling had been made, and the ostenible "order" handed to bench and barely slid over to plaintiff at the table had no recordof entry on its face anywhere.

It's quite understandable that defense attorneys for Dr. Novick would not have his testimony heard before a jury and have the case out of court entirely, but if lawyers can be allowed to violate such fundamentals as resorting to false court orders, then the very purpose ofthe courts is null andvoid, and defendantsherein obviously would not litigate fairly, two sides being herard on the facts and ruled on their merits.

Plaintiff sought out the sitting motion court's chambers, spoke to a clerk who said that it was just a temporary matter, that plaintiff would get the case back on the calendar; he spoke as though he was quite familiar with the matter more than a cursory routine of issuing orders.

Plaintiff could not get past the clerk, and could not reach the sitting bench, Justice George Postel when he was sitting in Criminal Court later; so plaintiff wrote a REGISTERED LETTER and the Hon. George Postel replied saying that he had not ruled on the said motion, that he expected that the authorities in Civil Court would rule on the matter since it had been transferred before he could get to it to rule on ithe motion, thus verifying plaintiff's contention that tghe false court order sbumitted by defendants herein (Exhibit 6)a) with Judge Postel's letter,(Exhibit 6) saying he had not ruled on the motion.

BUT NO ONE in ANY COURT would rule on the motion, a d plaintiff's case never did getback on the calendar. Defendants herein moved before Judge Seymour Schwartz to preclude before the case had been called at trial calendar in Civil Court and because the case had been before him in one motion to preclude, all other judges referred all of plaintiff's motions to him, and Judge Schwartz was the one who presented a begnin countenance while siitting on the bench in motion court and agreed to oral argument in chambers, plaintiff had to learn that the reasonfor granting orgal argument, not in court, but in chambers to see the begign expresseion transformed into a rabid, vehiment, intense anger spurting like small explosives from his mouth and

and his eyes: GO TAKE UP SOME RELIGION, LAWYERS GOT TO LIVE".

Appparently, according to Judge Schwartz, it is in the mture of a crime to be without money to have a lawyer when no contingency lawyer would accept the case without expert witness and when plaintiff obtained expert tesitmony from the defendant himself andpursued the matter, to seek justice for the proven intent to harm maliciously, violently and disrptnot only a human beings whole life but the portent of the works by that human being thus affecting others as well as the one indiivdual.

Mr. Salzman, of SALZMAN & SALZMAN, in Brooklyn, Court Street, said that there was an indirect way to get the case back on the calendar though the courts, but that no laayer would accept the case on on contungency basis in such matters. and meanwhile, no court would would rule on plaintiff's motions in the effort to restore the case to the calendar depsite the annexations of Judge Postel's letter saying that he had not ruled on the motions for which the actions was stricken from the calendar.

In desparation, Judge Francis X. Smith, administataive Judge of the Civil Court of the City of New York wrote in response to plaintiff's request for assistance that plaintiff is to accept injustice as a facxt of life, thzt it was to be endured. Under such a climate of attitude, one wonders where we would all be if our forefathers ahd shared such a notion and we willingly remained under the tyranny of the rule prior to our Declaration of Independence and the sacrifice of lives made so that we would have a place to go to to be heard and to obtain justice; all those efforts would be gone down the drain in the perspective presented by Judge Smith.

Apparently judge Schwartz' intensity against pro se is shared all along the way and even in more physical, violent manner, for John Ray in the office of theCourt Administrtion, kept on asking for copies of the documents over and over knowing that each trip and each expense was a great hardship under the circumstances, and findally, when there was a surfeit, eh, too blurted out, he threw all of plaintiff's papers away

and when plaintiff sought out another staff member to present the matter to, Mr. Ray followed plaintiff in that office at the end of the long corridor, Mr. Milano, who was not in, but another lawyer, a lady sat at the other desk, and witnessed the next scene: Mr. Ray was about to physically lift plaintiff out of the office when plaintiff told him that there would be repercussions from such an act; he stopped, in mid-air, so to speak at the obvious surprise expression on the lady lawyers face at the whole event. Mr. Ray was later to extend his vehement, rabid intense anitpathy against pro se appearance to the extent of intercepting Registered mail to Administrative Judge Bartless; Mis Chirstian, his secretary told plaintiff that it was not an "original", that Mr. Ray had told her it was nothing but a "Xeriox" copy, but when plaintiff brought the exact carbon copy of the original, she, too, was flabbergasted at Mr. Ray's behavior. A couresyletter was sent by Mr. Juviler, but he had previously relegated the matter to Mr. Ray and was doing the same thing again, so it was all futile to continue in that direction.

A motion bef Civil Court, by plaintiff, citing all the CPLR's that were directly relevant to the issues, the right to be heard on the full merits, the right to impartial committe, etc., were all said to be valid by the sitting bench at the time, Judge Wilks, but that plaintiff had not hit upon the very one he woul dconsider.

Plaintiff could not get the action back on the calendar against defendant Dr. Novick; so plaintiff institutued suit against the defendants herein and cited the violations enacted by said defendant, lawyers representing the aforesaid doctor.

Counselors representing defendant lawyers moved to dimsiss before Judge Manuel Gomez in Supreme Court, N.Y.State; Judge Gomez wrote in "Settle Order" that plaintiff may have more than one cause of action agsinst the lawery defendants herein, and to give the specifics of the matter and Granted leave to re-plead with an Amended Complaint. (Exhibit No. 8)

Plaintiff did so and numbered the separate events of the violations, with each one having sub-paragraphs for convenience.

Counselors for defendant lawyers moved again to dismiss on the grounds that plaintiff had numbered the sub-paragrapsh. Exhibt 7, defendants' demand for numbered parapraphs; Exhibit 9, plaintiff's compliance numbering sub-paragrpahs.

The motion before Judge Charles Greenfield in Supreme Court N.Y.State to dismiss was granted on Judge Greenfield's allegation that plaintiff sought to re-instate the action, when not even defense attorneys made the remotest hint or mention of any such demand by plaintiff in any of the Briefs.

Omdocatopms alpimded tjrpigjpit a;;pf.½;aomtoff(s effprts tjat defemse attprneys and their own counselors depended on the permeating, known-to-them built-in protection against any claims by pro se litigants against professionals in the field of law, regardless of the facts, the circumstances, regardless of the mayhem and physical harm to the litigant pro se and disabled physically, that unwarranted appearances, each trip to court a living nightnare to travel with a pelvis that is unstable with each slight jolt an excrutiating torment. It was clearly an impasse in all directions.

Plaintiff's efforts at the Comission on Judicial Conduct called the false court order a matter of "discretion" and refused to take up the issues; the Investigation Commission would not answer at all, neither correspodence nor telephone calls; the State Attorney General's office akncowledged the violations on the phone but would not answer corespondence nor take any action; the sitting bench in criminal court, Judge Circhio, would not sign a supoena order for a hearing

All known, informal or formal avenues were closed to plaintiff for a hearing on the facts, closed tighter than a drum in the most literal sense.

As no court had ever ruled on any issue at any time, the COMPLAINT appeared to be valid, and plaintff instituted suit in Civil Court; Judge Helen Freedman openly made false statements as to what Judge Manual Gomez had written about plaintiff's cause of action, ignored his "words" entirely, and referred to Judge Greenfield and the Second Circuit where not one on the bench was familiar with the facts,

(Exhibit 3) none was familiar with the false court order, apparently none had read plaintiff's Brief on Appeal showing a presumption of mere complusion to be appear in court when the fact is that each appearance is a huge physical hardship as well as disturbing to plaintiff in other manners for it not within plaintiff's personal make-up to be a "litigant" at all, but the literal use of thephrase "life and liberty" is driven home with the sharpness of a samurai sword at the outrageous conduct of officers of the court, before and behind the bench, combining formidable powers of authority over a solitary, single figure of a pro se litigant who is enitierely unprotected by affiliations, monies or physical endurance. It's indencent as will as ugust and unviilized. What is theConsitution all about if it isn't for the indep3ndent individual and the individual's rights?

To add further injury to injury, the Appellate Term denied plaintiff appeal in Forma Pauperis, and the Appellate Division denied plaintiff appeal for the ostensible, alleged #lack of jurisdiction. It's as though the right to seek justice is in the nature of a criminal act according to those acti9ns, when their very seats are set up for the dispeusation of justice. And the allegation as "unappealable" on the heels of denying forma pauperis and "lack of Jurisdiction, Exhibits 2,3,4) as though plaintiff is non-existent, bub bhe dignity in the breath oflife is irrepressible even in any effort to repress it, and automatically makes the most strenuous objection with that very same breath of life of which liberty is synomous and justice.

The issues in the instant matter are not limited to this alone; the issues affect everyone at large, including themembers of thisAugust body, for while this Court has heavy demands for its attention and itmay seem inseequnetial the denial of civil right s to one pro se litigant, a closer examination of the facts reveal that it is the very heart of the existence of this Court and our Consitutution, for as this Court rules on vital matters including the attention to prejudices, the heart of prejudice lies with the prejudice against the indeepdnent individual, as is known in hountless historial precdences and underlying the ceaseless struggle for individual independence without prejudice.

A GLIMPSE OF PRO SE PREJUDICE & WHOLESALE INJUSTICE

Index No. 30786/74 CIVIL COURT OF THE CITY OF N.Y.
MILLICENT LINDEN v. NATHAN NOVICK Judge David Stadtmauer

Under oath, on the witness stand, defendant admits to not ordering X-rays after he says he suspects a fracture, does not mobilize the suspected site, does a test calling for active movement rather than immobilization of fracture site, openly admits to twisting knee and making pelvis go out of alignement. Full trial court days: August 14,17,27,1974; Judge Statdmauer ruled for defendant writing he followed prevailing standard practices; the decision was entered in the record before 10:00 am the next day by the clerk

All appeals affirmed lower court.

Index No. 1082/75 CIVIL COURT, CITY OF NEW YORK
MILLICENT LINDEN v. NATHAN A. SHORE Judge Lester Evens

Expert witness, Dr. Joseph J. Marbach, director jaw joint and facial pain clinic, Columbia Presbyterian Hospital, testifies under oath treatment to the jaw joint, severe spasms, inability to open mouth, identifies X-rays by defendant just before dislocation of jaw joint, and X-rays right after injury, describes injection into the jaw joint in severe spasms.

Judge Evens dismises the case on the grounds the expert witness made "NO DIAGNOSIS WHATSOEVER"

All appeals affirmed the lower court

Index No. 3568/75 New York State Supreme Court transferred
MILLICENT LINDEN v. NATHAN NOVICK to Civil Court

New evidence, new action. New lawyers for defendant; first ones refused to represent him. New Lawyers, David Fox, Samuel Graff, ISAACSON, ROBUSTELLI, FOX & GRECO, submit a false court order to strike the case from the calendar and engage in a long list of violations and breaking of the law; Judge Seymour Schwartz tells pro se plaintiff to "GO TAKEUP SOME RELIGION, LAWYERS GOT TO LIVE" The false court order never acknwoeldged, the case never restored to the calendar.

Index Nos. 42789/77; 77-7162; 16658/80; 48027/81; M-1512
N.Y.State Supreme Court; Second Circuit Appeal; Civil Court Appellate Term; Appellate Division;(Albany Appeal)
MILLICENT LINDEN v. DAVID FOX and SAMUEL GRAFF

Defendants, lawyers, submit false court order; Judge Postel stated he had <u>not</u> ruled on their Motion to strike Novick action off the calendar Judge Manuel Gozmez writes pl. may have more than one cause of action against defendants who are lawyers; Judge Charles Greenfield writes pl. seeks re-instatement of action against doctor known not to be a lawyer; Judge Helen Freedman writes Judge Gomez said there was no cause of action,

that Judge Charles Greenfield also said so along with Judge Lasker none of which statements are to be found in any court records; Appellate Term denies Forma Pauperis Appeal, Appellate Division alleges "lack of jurisdiction" despite unassailable fact all parties are within the New York Coutny, 2nd Circuit never read pl.'s Brief, Albany alleges issues on record "unappealable".

Index No. 3685/74 UNITED STATES DISTRICT COURT SOUTHER DISTRICT OF N.Y. Judge Constance Baker Motley

MILLICENT LINDEN v. DIAL PRESS and OLGA LEY copyright infringemen

- Plaintiff given pre-trial order at second of trial
- Pl. denied wignesses agreed upon pre-trial & present
- Pl. denied examination of def.-author present
- Pl. denied technical evidence-scientific facts
- Pl. allotted 2 hours limit for trial told day before
- Pl. denied rebuttal to def. motion to dismiss
- Pl. denied right to rest the case
- Judge Motley ascribes concave and convex designs wrongly, the main contention of the COMPLAINT
- Judge Motley refuses to make correction
- Judge Motley had refused to recuse herself having tacityly admitted pro se prejudice
- Judge Motley had to akk pl. to find legally drawn copyright valid ownership in pl.'s brief she never read
- Judge Motley had noted "similarities" in def.'s copied designs from plaintiff's original works in earlier opinion denied in ruling for def.
- Judge Motely had denied preliminary injuction on the grounds it would be hardship for multi-million-dollar organization-defendant-publisher, but no regard for solitary, unmonied originator with no aids of any kind for efforts that reached around the world, across the nation

Second Circuit never read pl.'s Brief on Appeal; none recognized even the titles of pl.'s books. Pl. denied new action with new evidence

Index NO. 1435/75 UNITED STATES DISCRICT COURT; SOUTHERN DISTRICT OF N.Y.: Judge Vincent Broderick

MILLICENT LINDEN v. HARPER & ROW PUBLISHERS

- Expert witness: Dr. Abelardo Paseiro, ass8stant director, Physical Medicine, St. Vincent's Hospital def.'s authors - physical therapists
- authors acknwoledge they did not originate the infringed upon design, in affidavit and in testimony
- source research material cited by authors far removed from purloined design, noted by the bench during verbal testimony-giving false description
- expert witness, pl.'s, testifies no physical therapist can use any system without prescription
- expert witness, Dr. Paseiro, pl.'s, states he is not familiar with pl.'s original designs and would not prescribe them without medical study
- authors both admit cannot perfomr the designs they stol
- authors allege what they cannot perform physically as physical therapists, they expect stroke patients, paraplegics, accident victims, paralysis, etc.to do so
- Def.'s own witness, supervisor of student therapists, admits none come with knowledge of stolen design and no known program includes it in their curriculum
- ICD chief physical therapist, Ted. Corbett, former Olumpic contender, E.24th St. NYC, carried on study with student therpaists at ICD, average age 21, and older nurses, patients, etc., none of whom could perform pl.'s original, purloined design,

submits notarized statements of trial witnesses plaud

- All technical, scientific facts in evidence support pl.'s claims
- Valid ownership of copyright acknowledged by the court
- Design infringed upon published first in 1961, reprinted 1966,67,68; added dimension 1971
- Def.'s infringing pulbication 1968
- Def.'s previous publication without infriggement-1956
- Pl.'s COMPLAINT pertaining to 1961 through 1968
- Judge Broderick rules for Def. on grounds that 1971 design with intermediate staging presented for improved comprehension is design arrived at independently by def.-authors
- Def.'s publication dated 1968 could not qwualify as infringement as it appears after def.'s book published in 1968, which is before pl.'s 1971 publication of an extension of the 1961 - 1968 initial, original design still intact
- Second Circuit gave no opinion in affirming lower court, following pattern of never giving any opindon in any of pl.'s appeals.

Index No. 1914/79 UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK: Judge Milton Pollack

MILLICENT LINDEN v. ST. MARTINS PRESS and SIDI HESSEL

- Pl. denied any and all scientific, technical data by the court for and during trial
- The court denied relevant descriptions by pl. without inquiring into connections
- Def. publ. admits in testimony having rejected pl.'s original manuscripts twice, 1963,194 producing file record of correspondence
- Def. author was asked the direction the head would take if the nose were pointed towards the umbilical center, the navel-the court interrupted defe's reply after she said that it dependend upon where one was standing and the court continued to deny pl. further questoning after explaining that the direction was directly pertinent to the infringement of design, that concave direction is diametrically opposite convex and the difference is manifest in results
- During the charge to the jury, Judge Pollack told them that there is a limit of design for body movement; pl. objected, the court made no correction saying that the jury was to decide that but the court presented the court's decision and with it the unmistakeable bias and prejudice deeming the whole matter firvolous, saying say in his opinion and demanding that pl. defray court costs and defense attorney's demand for $439.00 for EBT despite pl.'s proceeding in Forma Pauperis; the Second Circuit never made a ruling on pl.'s motion right up to this date though it has been two years
- Second Circuit affirmed lower court (accessibility had been admitted by all - unanimously)
- Def.'s infringing publication-1978 from pl.'s 1961-1971
- Def.-author extrapolated almost all of pl's texts and paraphrased mot of the text and copied designs line-by-line, even to size of sketches
- Pl. denied new action with new evidence
- Following usual patterns, no discussionof issues anytime

Plaintiff's efforts to be heard on the merits in a hearing treated as bordering on criminality and reflected in physical harassments even from the Court of Appeals Pro Se Office and clerks in the office of the clerk, with Mr. Fusaro graciously making amends when plaintiff has been obliged to deal directly

with him agreeing to it when he saw what plaintiff had rought to his attention, tampering with plaintiff's Brief ON APPeal in one matter by the pro se office and hiding another Brief on Application for Appeal by the clerks in the clerk's office in another matter; one pro se clerk, seeing plaintiff in dire physical discomfort from severe muscles spasms following a tormenting trip to court on a public vehicle, told plaintiff that she would be back in five minuetes to get a docket number, and when she did not return in 20 minutes, and pl. asked a clerk to call the office, she was told that the pro se clerk had gone to lunch, without leaving any message for plaintiff of any kind though she was entirely aware of the circumstances and condition of plaintiff's physical disabilities and the current indisposition where waiting was a special hardship since plaintiff could not sit or stand and certainly could not become physically active in the self-help treatments from plaintiff's own original program that is the only means of amubalating at all, and even survival depending on them.

Galileo Galilei told his contemporaries that the Earth revolved around the sun when all the world believed that the Sun revolved around the Earth. He had to recant to save his life and spare him the torture of the Inquisition, the Kangaroo Courts of his day, and only recently have Galileo's own peers that is his colleagues of his faith have acknowledged that his findings are correct, more than 200 years after the fact.

Christopher Columbus believed the world was round when all the world believed that it was flat and had to have the support of the Royal Court in Queen Isabella to prove him right, and today, we refer to his legacy of exploring what others denied.

The past ages of Columbus and Galileo dealt with curves in the round earth and the center of those curves from which all else revolves encircling that hub respectively.

The popular notion that the world was flat could be reflected in the fact that the human being could only see this side of the horizon; the popular notion that the Earth was the center, the sun went around it, could be reflected

in the well-known human predilection of ego-centricity, that the world revolves around the human individua form abounding with overwhelming pride in an intelligence that is but one minute old in Geologic time while the body is the product not only of the ages, but of the forces extant and immutable in the universe, among which is the primary and common form of the spidal, the spider spinning its web with equal tension pull around the spiral fundamental design whatever diversified patterns demand and wherever the thread lies in the spiral short or long and in any location, while the human being is full of unequal tension pull in muscle fiber and deigns to call the spider as merely an insect with no intelligence.

Plaintiff's original TENSION-in-REPOSE program and designs translate the intelligence of the spider and evolves human muscle fibres in equalized tension everywhere in the body however small or large or where their sites are located.

The designs and concepts are so original that they do not even exist in nature since all human bodies as the first species with a double curve, an "SS" curve, convexed at the cervical and lordotic areas, in a stage of transition in the first upright stance, and the only species without an unbroken spherical line of he spine in a concave curve, plainitff is faced with parallel problems encountered by both Columbus and Galileo and then some, for Columbus proved the Earth was round and the round earth was already in existence, and Galileo saw the planets thrugh his telescope and the solar system has not changed before nor after Galileo, but plaintiff's works have the further task of anticipating nature's next stage of peogression based on past anthropological and astronomical diversities and common fundamental, respectively, the latter not applied to human form and the former never observed by anyone for its portent.

No one has ever given the concave curve anything but the "bum's rush" deplored worse than theplague, demanding that no one must ever sit in a concave, slump-like posture, to use an act of the will to sit or stand straight and thus by-pass well-knonw laws of physics and astronomy, that every action

having an oppositie and equal reaction, the action of the concave curve resulting in the reaction of straightening, as there are no straight lines in nature, all vertical axes are the uncoiled spirals, like those seen in vertical, spiral shells standing straight and tall, proportionately, and that ALL LIFT STEMS FROM THE CONCAVE CURVE is understood in jet propulsion inanimate vehicles that Gift them lift and fly in the air, but never seen as applying to the material substance of the body. Please see exhibt 28, the LADDER OF LIFE, excerpt from oneof plaintiff's publications showing how the concave curve and action and reaction apply to the human form.

The relevant point here is that plaintiff's pelvis was severely misaligned becasue defendant Novick did not believe in human symmetry which was contraty to his traditional and prevalent beliefs, camparing to the traditional, prevalent popular beliefs of Columbus' and Galileo's days, and def. Novick believed that no human being should be symmetrical though he saw it in plaintiff's development from her original works and bearing profound role in restoring the body under unprecedented medical conditions as the facts of childhood osteomyelitis that has a history of non-reovery Generally, and so his own brand of eGocentricity like that of the attitude of the sun Going around the earth, he set about to have his traditions undisturbed, as is full of historical mayhem and the means of preserving tradition through such forms of the tortures of the Inquisition.

The cour t records document the modern, contemporary brand of inflicting physical and moral injury upon the indep3ndent individual, the open admission of physical injury, deliberate by def. Novick, with intent to harm, deliberate by def. Shore by neGlecting to treat the injury he inflicted in tiemliness so as to avoid the attrition of unanttended restoration which no one but he could do since he is recobnzied as specialist and had the proethetic means to do so, the courts who deliberately denied plaintiff's rights to be heard on the facts and their merits in the full knowledGe of the physical hardship to prusue justice for which the court system si established.

Lwyers broke the law by submitting a false court order among a long list of violations; judges upheld the lawbreaking bylawyers, and theBar Association declared that hrere was no reason to review the matter while other branches of the court system took up the same kind of refuge andkept plaintiff out of reach of justice. Thus, the physical assault upon plaintiff was condoned by the courts, comparing in a relative sense, at the very least, to a kangaroo court and torture in the pursuit of liberty and protection of life.

As though that were not enough, plaintiff's works and efforts to protect them when they are stolen were met with the same pattern of kangaroo court and physical abuse: Judge Motley wouldn't even let plaintiff rest her case, among a host of irregularities never mentioned by the Appeals panel, Judge Broderick ruled in the full force of unwarranted grounds, ruling on a publication not in contention and not in the COMPLAINT, and against ALL THE EV IDENCE any reasonable observer could see as self-evident proof of infringement, and Judge Pollack using the power of his seat of authority to influence the one jury plaintiff could obtain, alleging that there is a limit to how many designs the body moves in which applies to convex curves within the contemporary stage of evolution in human structure but not in the concave designs by plaintiff that are non-existent in any human form and with which there are no limitations of design as in snowflakes all of which have the spiral fundamental form full of concave curves and around the common spiral form branching out into original patterns. whatever the unnumberable snowflakes that ever fall on earth, and without the opportunity to have the right to present the facts, denied that right by Judge Pollack, no one can know the new findings and how they affect each and every iddiv idual.

Thomas Jefferson noted that diffusion of knowledge is important to all society and to life itself, and the courts violated that constitional right to plaintiff, among other things.

Without that diffusion of knowledge, no one can learn how Galileo's finding of the Earth revolving around the Sun compares to plaintiff's TENSION-in-REPOSE original program

that shows how the body works in the same manner, that the appendages are emeant to revolve around the hub of the center, of the body, the umbilical center, the nevel, that the more one surrenders the the arms and legs to no active movement in systems of conditioning the body, not in free movement of already playing or working, themore one reaches the center, and the more one gets close to the center, the closer one gets to the experience of the calm in the center of the storm, the pattern of the hurricane, the typhoon, etc, all mass weight has a center and all trajectories travel from the central impetus, like the spokes of the wheel, the hub, movingwith no effort, the rim with it, like the nucleus of the atom, the chief function of the atom to make space, room, for unencumbered, unimpeded internal actions, atom or human form, the periphery of the circle the minimal surface to contain the maximal volume internal, and the sun the center while the earth and the rest of the planets revolve around it while each planet revolves around its own axis independently and dependently upon and from the sun, respectively, as portrayed in plaintiff's first publication, 1961, Exhibit 28 (a)

All past and present systems do exactly the opposite, theyuse flailing arms and legs as a system for body conditioning, which will and has never affected the proportionate trimming of the whole body at once or any time any place on the body, the familiar push-ups, chinning, wind-mill, jumping jack, etc, pushing weight with biceps, tricepts but no concave curve and known that the biggest of weight lifters are thrwon with a slight wrong move, when plaintiff can show that the concave curve is the strongest of all the forces in the unverse, maintaining flexibility and tautness simultaneously.

Had there been any flaws in plaintiff's proceedings in the search for justice, to be heard on the facts and their merits, no lawyer, no judge would ever have had to resort to lawbreaking and brandising cruel and unusal punishement for striving to communicate contructive works however new and to protect one's own life as a natural biological law and a lae of our nation by our forefathers.

Plaintiff adheredto and met those requirements demanded, and the Appellate Division showed its obstinacy in pro se prejudice when finding absence of loophole with which to get rid of plaintiff, resorted to "sua sponte" ruling todismiss plaintiff's rights in court and appeals, having previously written in another order to get a lawyer to say the very same things plaintiff had already written in the Brief, and when plaintiff could not obtain any lawyer to argue against another lawyer, certainly not on any contingency basis and it was learned not even with fees had they been forthcoming as was admitted by one lawyer, among whom was that deceptive, surreptious practice of appearing to be helpful only to find collusion in the background, all the while expecting special attention for personal problems and casting stabs of woudding physical force in duplicity causing undue physicl exertion, instinctively feeling the warmth of the spirit and constructive soundness of natural laws in practical application from plaintiff's works, basking in the experience and casting anchors of weights to sink in the ocean of injustice, whoelsale injustice. It really is beyond the credulity of any alleged civilized behavior but it responds to the familiar pattern of the past which has not abdicated its course whatever the claim of enlightenment.

There is an attendant involuntary characteristic of humility that goes with the willingness to know that to know anything at all, one has to accept that one does not know anthing at all, to surrender to internal sensibilities of the body for knowledge, as Leonardo da Vinci said in his NOTEBOOKS, "All our knowledge originates in our sensibilities" whiel all mankind still proceeds to believe that knowledge is a matter of the inteelect when it is also known and not disputed that the precursor of the brain is the angle of the oppdsable thumb, a concave curve, with which to grasp and hold, the first and strongest force in anture. But that involuntary humaility does not mean abaddonment of human dignity, of the involuntary human dignity that goes with each and every breath of life, and each and every breath of life objects strenously to injustice and cannot tolerate it, for anyone as well as one's self.

The STATEMENT OF THE CASE must necessarily include the foregoing represetnative facrs of the issues, for the issues are intrinsic and inherent within the matters herein, that the pattern of pro se prejudice has been unabated and has affected plaintiff's life, health, surivival, and precious professional works pertinenet to human life at large.

All human progress is the result of independence from the shackles of the weighty illogical practices that persist and go on without close examination; nothing can ever be taken fro granted and everything must prove itself over and over; da Vinci stayed faithful to such a course, proving his observations and remaining independent of his academcian contemporaries who did not include him in their institutions because he had no academic degree, and Einstein, with an academic degree, still remained independent of prevailing concepts with his discoveries and they have been proven with time in the academic institutions. Edison was a non-institutional inventor, indeependent; Judge Pollack had cast an aspersion in the course of trial to plaintiff's standing in academics, and tossed his malice aside when he was reminded that da Vinci had no degree, Einstein had no degree at the time of his discovery of Relativity and Edison did not go beyond the 8th Grade, and Pasteur was not even a doctor when he made his contribution to medicine though he was a chemist, and many discoveries by professionals are known to be accidental rather than premditated, and so on and so on throughout all of human history, yet, the courts took it upon themselves to judge before the facts could be exposed, denying plaintiff the right to be heard; had plaintiff not been denied those fundamental rights, Judge Pollack, Judge Motley would have had facts upon which to base decision rather than prejudice against pro se by Judge Motley, admittedly, and disdain by Judge Polkck for what he could not immediately comprehend, burdened with traditional forms of knowledge in the topic and no room for new programs and concepts, and Judge Broderick having heard the facts ruled against the self-evident evidence for his own brand of prejudice - had admitted from the bench that he was a personal frienf of an intended witness and said with a

did a turn-about during the course of the trial, not appearing after agreeing to do so and not informing plaintiff at all at any time and later rejecting plaintiff's professional work for his own professional investigation, as a sports medicine doctor -and all occasions would hardly have been treated thusly had plaintiff had the requisite funds to have been duly represented by counselor, none of which would take the matter on contingency basis and all of which admitted they would not take the time to study the program entirely new to them.

Had plaintiff not been denied the right to be heard on the merits of the facts in the malpractice cases, the facts were more than favorable to plaintiff nd more than likely to have had awards to allow plaintiff to pay for counsel in copryight cases; had this Court been present in the recitation of defendant Novick's testimony and in the testimony of the expert witness, Dr. Marbach, in the defendant Shore matter, it could not have been mistaken that the facts lent themselves to plaintiff's interests, and that constitutues the very reason for the prejudice in preactice by the bench, for seeing whic h way the wind blew, the power of thebench and the pushing of the opposition lawyers, the atmosphere wreaking with the tacit eloquence of the communication among bench and lawyers, it took their combined forceof power to stem the tide that was going against them in terms of facts and their merits; the bench, Lester Evens, and the suave, experienced defense attorney from a huge, well-organized law firm, Julius Gantman, dismissed the jury, kept the case from being sumbitted to them after he testimony was heard by the expert witness, alleging no diagnosis whatsoever and no cause of action despite the bench stating that there were salient features and denied plaintiff's pursuing that course with the witness, and the members of the jury, well-appearing in compreehnsion of the facts obviously perceiving the inescapbale verdict from said facts by the bench and defense lawyer included, would not even give plaintiff time beyond closing court day and 9:30 next morning to answer four demands, which plaintiff did and the bench even asked plaintiff the source of one reference (the law dictionary)

a legal reference he was not familiar with and interested in, but all to no avail, for regardless of the proper answers to the four demands overnight with no office hours to seek further help, the bench and the defense managed to cheat plaintiff out of the accountability and the due process by peers.

Plaintff had to proceed during the trial holding the back of a chair for support in order to conduct the proceedings, struggle with the volume of documents, endure the physical distress for the whole court day, morning and afternoon A F T E R more than T W O years of adjournements by defense, and unwarranted demands such as examination by a dentist in a case that involves injury to the jaw joint that precludes opening the mouth at all, plaintiff had to live on over-ripe bananas crushed in a dish for almost a year and even sipping milk shake for nourihsiment thrugh a straw was sheer torment, but what does the Appellate Division do when defense ahd demanded a D E N T A L examaintion and plaintiff moved for a protective order, but deny the protective order and defense made three demands fo dental examination becaue plaintiff could not open her mouth to have the teeth examined, and Dr. Marbach had measure the mouth opening in conformance with the dysfunction shown on the X-rays of the jaw joint to be less than 7 mm.which is very, very little and dangerous.

Surely, the foregoing are undnniabley under the heading of "CRUEL AND UNUSULA PUNISHEMENT, the victim turned victimizer with her life at stake and in constant jeopardy by the courts and the laayers in tandem.

The instant issues in the instant matter herein inolve the very same brand of cruelty and punishement, and that reflect the well-known pattern in daily life where the wrongdoer takes the offensive and the human hit down is hit further down and reverence for life among allegedly civilized persons becomes a human tradedy in huma fiber.

Please do not expect the compassionate spirit of plaintiff's to be a party to such practices; it is not within her make-up and never has been; the permeating quality is reverence for life. ALL LIFE, including vicimizers herein,left without accountablity only boomerang to their own detriment inexorably.

To abandon accountability where it belongs where life has been cruelly abused and threatened is to become an accomplice to the act, and plaintiff annot be a party to such an event, not to her own or even that of a bird.

An incident that has just taken place in the course of this writing .

Unable to sit or stand ,and having lost consciousness as increasing debilitation has taken place within the last half year from the Gpss physical exertion in the striving to puruse the search for justice and numerous appearances, however unduly, plaintiff is obliged to semi-recline for short periods in writing and to move about alternately, all tiem consuming and taxing to the utmost; it is excrutiating endeavor, but it has to be done as liberty is synonomous wit life.

The day is wet but warm; the window is halr-way up to the top of the wide-sapeced screen network and space between top of the sc reen itself and the window bottom; in the period of moving about, bakc to the window, plaintiff heard a Genlt, light thud fall on the window sill.

It wa s a baby bird; a female cardianl, full head red, body lightish Grey, had been seen these past weeks flying between the railing of the fireescape and a crevice in the buidding across the street; the classical musci station was playing and the baby bird that fell on the window sill seemed to tilt its head towards the pleasant sounding music; I left it alone, but when it wouldN't move after a long time, I thought the bird may wish some food and Got some crumbs and was about to place the bread at a distance so as not to alarm the delicate, beatufiul creature, but the bird tried tc Get past the wide-spaces of the screen, still not wide enough for the small,frail baby body and flew instead into the room.

But where it flew and landed was a matter of Great distress and intensely upsetting; the bird had flown on the radiator top where a spring trap had been in place there from the time of the invasion of the BLACK RATS who apparaneltly have taken up permanent reisdence in this apartment despite the countless variety of efforts; sever have been caught to date.

The nearby window to the radiator was closed; going over to open it would panick the bird and drive it closer to the spring trap; the thought of a wounded baby bird was devastating; all concentratin was lost; writing had to stop.

Let it be noted that while the spring trap was not the size for Norway rats, which would give the bird some more room than it had with the smaller trap meant for BLACK RATS which are larger than mice but smaller than Norway rats and would not be caught in the wire sprining downonit, but the trap was the size to catch the bird if it moved just a split hair closer where the edge of the tail was just about to touch the spot where the baited chees lay.

I left the apartment entirely to give it confidence to move away from instead of towards the spring in the trap. When I returned the bird was not there and not caught in the trap and I hoped against hope that it meant the bird had seen the wider opening of the window with the screen so that there was added space between the top of the screen and the bottom of the window, but that was not to be, for the bird flew into sight having come from research material boxes that had to be placed in storage when the invasion of the BLACK RAT occurred and emergency repairs had to be made to the ceilings and walls rendered hazardous,"unkeyed" in the Board of Health inspector's terminology ready to fall and the gaping holes the route ofentry for the rats all brought on by the destructive activitiesof the tenant above the landlord never took note of and no action to remedy the sitautiona.

The bird flew to the closed window and to get it open meant to get closer and the bird flew between the boxes and wedged itself between the sides of two of the cartons.

Again, the anxiety of harm to the bird which may seem out-of-proportion to the reader is not when facts of sensibilities to life, all life, even the BLACK RATS, which I merely wanted to go away and refused to do so and began gnawing at my bed board , ballet barre, smeeling the place up, and a host of incredibly clever,intelligent adaptiabilities, no jewel to gleam like the bright-orange-red of their eyes

reflecting great intelligence, ad the Natural History scientist said, that theier intelligence and adaptiability enabling them to survive these millions upon millions of years; they have fonund a way to get awound for they never touched any food w hen inadvertently left in sealed covers - they can gnaw through anything, having left cinder blocks, marble pieces around like tokens of gift giving, they never moved to attack, but what would they do to the little baby bird? for the bird had moved in the direction where I had on occasion heard sounds of the Black Rats on the other side of the room behind book cases; I had tilted the one box to give it room to spread its wings, as I cannot lift any weight of any kind, and found that the bird was no longer in view, but I had made some space for it to try to get out.

Again, I left the apartment, returned after a while and waited quietly in another part of the room; shortly I heard the soft flutter of wings and I went out again after I had opened the other window wide. When I returned I could only hope that the baby bird did finally manage to fly away home across the street, but it was impossible to settle down to concentrate until the bird wasknown to be gone and not caught by the rats if they were so inclined, but Willie the plumber had said from his experience that Black Rats are "always playing", weill , I had never heard of Black Rats until I spoke with Commissioner Randy Dupree of Pest Control and looked it up in the dictionary, and I have since learned that very few otherpersons are aware of the eixstence of black rats, but they are formidable creatures.

Judge Norman Ryp, of Civil Court apparently understood and wrote in his opinion that plaintiff was a victim of rat infestation, that he characterized plaintiff as "highly intelligent and sensitive author of STRETCH FOR LIFE.

Exhibits Nos. 42, 43 and 44:

Judge Ryp's Order, Inspector's rat and emergency report and the seventh Black Rat caught in the glue trap

The foregoing account is relevant to that issue herein that asks the question:

When so much attentionis given to the rights

of those who commit such violent crimes of destruction of life and property, this Court defending the Constitutinal rights of such defendants as in the well-known Miranda case, why, then, do the courts treat the constructive individual, however independent, to such cruel and unusual punishment as to compel physical hazards in the desparate struggle to seek justice within the courts within the equal dispensation of the law, for certainly, no bench, no defense in opposition can deny that there has not been equal dispensation of the law, what with false court orders never acknowledged by any court to rule on in the submissions by plaintiff, the cruel demand for openening the mouth in a jaw joint injury case when it is physically impossible to open the mouth in such an injury,, and to deny due process and ruling on the submitted facts in the Complaint, as in the matter of Judge Motley and Judge Broderick, and the unabashed bias of Judge Pollack in the whole trial proceeding and pre-trial also, giving defense everything and anything just like Judge Evens, on record, told defense he would give him anything he asked for.

Without parallel dispensation of portection under the law for the constructiive contributory to society as against the destructor of life and property , there is no counterpoise and a grave and gross imbalance.

And if the courts are allowed to kill off constructive activities and litigants, then no one can benefit from that idffusion of knowledge of which Jefferson spoke, and no one in the instant matter and the professional works of plaintiff herein, being deprived of rights and access to surtive, will learn new findings of how the angle of the occiput to the jaw is that subtle fact or that deals with the dynamic efficiency of the internal body and no one reading this will ever find out the personal progress of inner life that can be proven to be attributed to that fact, for deprived of all avenues of survival as the courts have done to plaintiff, then those new works will never be known and never be used to personal advantage. Certainly, plaintiff has been cheated of due awards that would have made it possible to deal with the rats to find temporary quarters and engage professional assistance

for those physical labors plaintiff is physically unable to perform and left to the mercy of the Black Rats and the devastation of potholes in public vehicles on a percarious pelvis and shole severely misalgined backbone and excrutiating muscle s spasms.

The hapless Cardinal baby bird was at the mercy of the circumstances and felt the desparateness of the situation and the threat to tis life, as plaintiff has felt to be at the mercy of the abuse of power in the courts, the callousness of the opposition and the silence to the thud and thunder of the violence within injustice.

The Black Rats are not defenseless, as they travel in packs, are shrewd, adpatable and even anticipate actions when the circumstances are clear; the well-organized offices of power and authority, benches and lawyers in silent acquiescence with each otherform a pack of sorts against the solitary unprotected individual without means and witbut affiliations, independent and only independence is can affirm freedom from anh perspective fundamentally and branch out where interchange is expected and complemenatary, like the earth spinning independently on its owa axis and revolving dependently aaround the sun along with the other planets dependent upon it.

The bird is no threat to life; the rats are a health hazrd and a threat to life - plaintiff has to sterilize everything pertaining to food utensils before using them.

The courts and the oppsoition represent a theat to life and health hazard to plaintiff, robbing her of vital health from injury by defendants Novick and Shore, robbed of civil right by their legal representatative a and upheld by the sitting benches; the copyright cases robbing plaintiff of her profesional works without protection, rejected by countless publsihers with original manuscripts from 1961 and with time and proof of merits of the works, sacntioning the purloinment of thoseoriginal works and depriving plaintiff of her labors against the First Artcle Clause 8, Section 8 on our Constition, eqally cruel and unusual punishement for preserving independence necessary to progress and not having money.

A STATEMENT OF THE CASE is a statement involving the not only the fundmental issues, of violation of the law, of false court ordersignored, of breaking the law by the members sworn to uphold the law, ut also peripheral events in connection with the self-evident prejudice against pro se appearance, for first-hand experience has shown that in the eventual analysis, the preservation of the legal personality is used to transcend the dispensation of the law, and the combination is lethal to the pro se person and anathema to the integiryt of the statutes themselves.

So rabid is that predilection of "cover-up" or "cuddle-up" that human life involved is entirely disregarded to the extent of incurring and inflicting increasing physical harm, and takes on the nature of cruel and unusual punishement for not surrendering to the powers of the court, and insisiting on standing by the right to have justice served, for believing in the prescience and perceptions of our forefathers to liberty and justice to uphold the rights of the individual not the state that has gone "drunk" with its own powers; thenpunishment is meted out to the individual who insiss upon have the facts examined as they are in the record, not as those in power falsely state them to their own subjective and colleagues interest.

The files were kept in the 10th floor library of the Civil Court where plaintiff was barred from entering on the grounds of not being a lawyer, and done so to keep a presiding authority from having the documents examined as requested by plaintiff; the clerk was abusive and ready to call the offical guards to have plaintiff leave when it was necessary to find out what a recent order contained; without knowledge of what the order stated, plaintiff could not comply; plaintiff left the library and even when the file was ordered to be accessible as it is meant to be om the record room for the public as for the parties involved, a clerk held it under his arm and kept plaintiff walking the long ocrridors, floor to floor, ostensibly to bring it to the chambers of Judge Seymour Schwartz known to keep plaintiff from the files; he had written three orders, April 28, 1976, all for the same day when there was nothing anywhere calling for written orders.

When he had spent so much time walking the courthouse corridors with the file and recent mail of papers under his arm that the clerk had presumedto be a complaint rather than submtitted demended documents in compliance and was reminded that it was against the regulations to intefere with the mail that he not read the contents, that it not complaint, etc., he finally Gave up the file and mail but not until plaintiff had been made to trample thos long walke that plaintiff has not to this day undone the physicl damage for it is a known fact that vertebral problems call for rest not physical strain. The clerk was acting to protect the judge from "complaint".

The Seondd circuit pro se clerks who had tampered with plaintiff's Brief and the one who kept plaintiff waiting while in severe muscle sapsms and went to lunch without leaving word fall into the similar pattern of acting in behalf of the members of the court system against the facts, for prior to the occasion of discussing the matter of plaintiff's Briefs had not been read and proven so, there had been courtesty and cordiality.

The clerk on the third floor of the State Supreme Court, at the time,the first occasion of applying for Forma Pauperis in insitutuing a suit, the clerk denied providing a sampel form to follow, told plaintiff to Go Get a lawer, just as the Civil Court clerk carrying the files under his arm kept saying over nad over, Go Get a lawyer. Well, if a penniless person is barred from redressing a Grievance, a Grievous Grievance as serious injury to the physical body, then justice is not available to any individual, that is the justice under the mandates of the Consitution, either for lack of money or for lack of character from the bench, in both instances, a matter of bing without money and wihout a lawyer, a crime in the eyes of the W club"; the aggregate collection against the solitzry individual is formidable and takes on the character of "Gangdom" pouncing on the already weakend sole human being all but down and out entirely Not unlike the bully that beats on a weaker person, for it takes substance to stand up to facts and stand for those facts for equal strength and fairness of balance on both sides.

The foregoing pattern apples in the instant amtter and in those cited earlier, setting forth WHOLESALE INJUSTICE.

The pattern spreads camparable to the well-known Grapevine among ppisoners; when plaintiff worked with the inamates at Washington, D.C. jail, the mere simple occasion of stopping and having coffeee and brief discssuion with the Warden was already known to the waiting class before the brief walk down the corridor to the class room was completed. Something of that process takesplace where there is intense prejudice as there is in the formidable combianation of pro se prejducie with the inesacable facts of wrongdoin, of breaking the law and injustice by those expected to mete out justice and not break the law; that the rulings are against the fact does not carry weight, and the intent is so strong to silence the victim, that even papers are kept pigeon-holed as the District clerk with plaintiff's papers for SEX MONTHS, more time than ever warraned previously and only investigation finally unearthed the papers with no apologies and no embarassment for the Gross lies of saying that there had been no action taken when no papers had been sumbitted at all by said Clerk.

The list at a glance of countless events and occasdons that have inflicted such grievous harm upon plaintiff looks as follows:

1. LINDEN v. NOVICK 1974
2. LINDEN v. NOVICK 1978
3. LINDEN v. SHORE 1976
4. LINDEN v. FOX & GRAFF 1977
5. LINDEN v. DIAL PRESS 1974
6. LINDEN v. HARPER & ROW 1975
7. LINDEN v. ST. MARTIN'S PRESS & SIDI HESSEL 1978

Some of the hooror-details cited earlier and all falling into the proven, well-documented BREACH of the law and denial of due process and Gross illegalities and irregulatiries meted upon the unprotected, pro se individual with cruelty and total abandoment of equal dispensation of the law, in all brandhes and avenues lower than this Court, leaving this Court as the sole protector of the Constitution to uphold the rights oof the indvividual, the very heart of the CONSTITUTION.

TEH QUESTIONS PRESENTED ARE SUBSTANTIAL

I.

THE PLIGHT OF THE PRO SE LITIGANT; is the pliGht of the individual at larGe, the riGht to independence as the DECLARATION OF INDEPENDENCE for a Nations applies equally to theindividual, to render save from the tyrrany of the abuse of power from whatever quarter it lies and renders harm, any kind f harm, and as history has shown over and over, there is no surrender to tyranny at any time for any reason under any circumstances where there remains the wheresithal to counterpoise the matter, and the riGhts of the individual have a riGht to prevail aGainst any form of tyranny even when it occurs under the Guise and cloak of the cunrt,otherwise the pose of the law is a sham.

II.

PRO SE PREJUDICE is the Greatest minority, the one person in personal appearance, a solitayr individual dependent upon the protection of the court and without the protection of the court is without the protectón of the Constitution; race, color and creed and sex have their ConGressional coveraGe of prorection, butnowhere is there any protection for the pro se independent invidual; the question herein is to account for the heart of the purpose of the Constittuion, to protect the indvidual. In the instant matter and the other matters cited within these paGes, it is documented fact that the pro se litiGant, the plaintiff herein had been unprotected by law and alwyers and judGes and clerks; this Court is the sole Bastion left.

III.

LeGITIMAGE CLIAMS LEFT UNHEARD and never ruled upon by any court form a barran wasteland of the sacrifices expended to keep the field of law and order in practical functioninG operation ; no facts in the issues herein were

ever ruled upon and without this Court's attention to the issues and the heart of the principles inherent in them, the right of the individual to be heard on the merits of the facts, the illegal activities and irregularities engaged in against the unproetected individual can only create that atmeshperhere and license for such practicws among those so inclined to do them to be encouraged to go on doing them and vitimized other hapless vicims unfortunate enough in their circumstances to have to be confronted by the likes of comprable situations; the defendants herein can gloat within their chops at getting away with their nefarious deeds, and with or wihtout consience, what it marks for them is victory and the victory is not a victory of valor, valiant, noble deeds, but the victory of cruelty over humanity; to give such license, to deny a just hearing, to be denied appeal on the issues and the facts upon which they are based is a responsiblity of this Court when all else is exhausted, and the wrongdoing the illegal activities a matter of record left in the record and pepresenting a perpetual injury.

IV.

FALSE COURT ORDERS, FALSE STATEMENTS FROM THE BENCH, VIOLATION OF THE LZW BY LAWYERS, are all subjects vital to the health of the field of the law and order demand,and relegating them tonlimbo must rest on the conscience of those in power to rectify the matter, a matter not limited to the interests of the plaintiff herein, but to all , for injustice to one is injustice to all, and while it is recgonized that this Court is burdended with pressing questions from all corners of the nation, the questions herein are not less pressing and are indeed far reaching, for there is no agent no recourse for pro se prejudice anywhere else but within this Court, qne that falwe court orders and false court statements, etc. have been made is a matter of fully documented record and unasssailable, irrefutable and provide substantial ground for this Cout's attention and ruling.

V.

When plaintiff sought administrative assistance in writing to Admninstrative Judge Francis X. Smith in the matters outlined herein regarding the false court order and restoration to the calendar prior to action against the defendants herein who submitted the false court order as representatives of the doctor in the malpractice suit, Judge Smith wrote that it was a fact of life that injustice exists and to have to live with it; the matter was cavalierly dismissed by such an opinion by him.

SHALL THE OPINION OF ACCEPTING INJUSTICE AS A FACT OF LIFE be equally acceptable to this Court, when it is a professed statement of fact that the courts are established for the very purpose of undoing injustice and doing justice?

Such an opinion would be interpreted as saying that an individual's life that has been rendered severely physically disabled through intentional malice has no worth in the eyes of the law, the law that is sitting on the bench and the law that is sitting in the mainoffice, the adminsitrative judge. The law of nature states that it is a biological fact that life is involuntarily sought to be protected and it is a fact of history that sacrifices have been made for the very right to submit to that law of nature to protect life, now in one fell swoop, Judge Smith says that it is all right to have a doctor purposely inflict life-threatening injury and not to seek redress for it in court. Nathan Hale, Patrick Henry, Thomas Paine, George Washington, etc., etc. must not only be turning over in their graves if they had an inkling of such goings on of the things t ey fought for and gave their energies and even their lives for, but they would be spinning over in record speed, past t e speed of light, the enlightnement of the balance of forces for balance of life. A glimpse of the facts herein would give even greater impetus to their record spped, and they must also provide warranting the atatement of jurisidction by this Court to serve the due dispostion left in a void by all other courts.

VI.

INIDIVIDUAL INIITIATIVE, INDEPENDENCE AND WORTH are part and parcel of the issues herein, for in the eneactiment of cruelty and unusual punishement meted out to the pro se appearance, the suffering in not limited to the victim of pro se prejudice; the suffering is ezteneded to those who would be beneficiaries of the worth of the dindpendent individual's works that have proven their merits in a wide variety of problems (see exhibits 17 through 41).

The cruel and unusual punishement meted out by the courts and the opposition are in the nature of shutting off those works with portent for human welfare. Killing off the contructive individual is to kill off the counterpoise to the destructive individuals at large; the need for counterpoise does not demand an equal number in volume of persons, but the balance of power, the power from the venturesom innovator that is the background of all human advances towards huamity and compassion, which is not necessarily the inventions of inanimate tecnologies, but the advances in advancing the humane qualities of human progress, nothwithstanding, the unexplored and unexploited perspective of just what makes a human being more considerate and what makes one more violent; plaintiff's TENSION-in-REPOSE original program provides directions never before explored by any one in any field; to shutt off the pursuance of such directions is to shut off the counterpoise for balance of livable life and power, and the actions engaged in by the courts have been just that, shutting off plaintiff's life forces in depriving plaintiff the recognition of the documented facts and in doing so denying redress for just ruling and potential award whcih would have earmarks for lifting the burden of physical strain, paying debts and pursuing the program that has been professionlly recognized for its worth to the public and the public is also the concern of the this Court, for those Constittional mandates referring

to life and libb, their protection, and liberty, its protection, inherent in the instant issues herein, and in the mandates that refers to the works promoting the social welfare as cited in the copyyight cases earlier, are pointed in such directions of counterpoise, the balance of power in the facts of life. Such mandates are dismaetrically opposite to any such expectation of surrdnering more power to the detrimental forces of law and order, whether within a judicial cloak or an act of violence on the street or in the home. Plaintiff recalls the conversation with Director of the Deparemt of Corrections in Washington, D.C. at the time of teaching TENSION-in-REPOSE to the inmates in that jail, Mr. Donald Clemminger; Mr. Clemminger had mentioned that he was interested in the white collar criminal, those who wear the dress of well being but are in disguise of their actions, not unlike the black cloak of the court, or the white ocllar of the office worker.

Among the findings in the TENSION-in-REPOSE precepts and practice is the unfamiliar and entirely new perspective of examining the structureof te constituiton, the physical body, for the source, ther root source of unrelieved tension. The prevelent approach is that the stress of life, and living, anxiety, worry, problems, burdens, friction, crowded quarters, etc. all make for damaging tension, where T-in-R uses the chief functinn of the atom as the underlying root principle of establishing harmony, the harmony in the inner body, and that is that the chief fuction of the atom is to make room for space, and explorationof space is looked upon as exploring the space outside the body or outside theearth's surface and stompshere, but the new worlds lie in the explorztion of space within the inner worlds if te body, the establhhment of more acute inner equilibrium that is arrived at through equalized tension-pressure-pull, just as equal dispenstion of the law makes for dissipation of friction and undue tension. Wih equality of muscle power or legal power, there is room to breath freely and free; when the physica structure is under unbearable imbalance, unequal pulling of pressure and tension, there is friction and there is the tension that is looked upon as coming from outside sources, but with the inside working

to cull capacity without imepedicment the external pressures can be dealt wighmore judiciiously, and that includes white collar personage as well as all other manifestation of less than humane considerations towards others, black cloak or black mask of the thief. Plaintiff can safely assume that this Court will agree that there is a great deal of room for imporovement in the living of life on earth by all peoples, that there is a need for harmony in a prevailing preponderance of disharmony, of great friction everywhere. Where Darwin had not concern for income being supported by inheritance, where others gainsupport from grants or other sources, where there is the selfpevident need to have subsistence for existence, however it is established, it is a matter of happenstance with circumstances, but where there is a need for subsistence, it does not preclude the worht of new and constructive poograms nor the need for redress in Forma Pauperis and the right to justice under the law, and plaintiff has been denied the right to be heard in Forma Pauperis in appeal and in the proper venue and through such denial denied the access to the courts and rulings on the merits arely for lack of money, for lack of represenatation by counsel and for lack of affiliation in the standard forms and daring to maintain independence and independent thought, which is the foundation of the course of the route taken by our forefathers and meant as a legacy to their heirs. The issues herein protray those lackings and those aspirations, and the questions are indeed highly substantial and merit full attention by this Court for everyone's sake, for attending to the rights of the individual is to attend t to the rights of society which is mad e up of individuals anywhere.

CONCLUSION

THE QUESTONS PRESENTED BY THIS APPEAL ARE TRULY SUBSBANBIAL AND REQUIRE PLENARY CONSIDERABION BY THIS COURT FOR THEIR RESOLUTION.

Respectfully submitted,

Millicent Linden

Dated: May 8, 1981
New York, N.Y.

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

MILLICENT LINDEN,

M - 1512

X

Plaintiff-Appellant

- v -

NOTICE OF APPEAL

DAVID FOX and SAMUEL GRAFF,

:

Defendants-Respondents

---X

S I R S :

PLEASE TAKE NOTICE that the above named plaintiff-appellant, Millicent Linden, hereby appeals to the SUPREME COURT OF THE UNITED STATES, Washington, D.C. 20543, from the order of the Supreme Court of the State of New York, Appellate Division, 27 Madison Avenue, New York, N.Y. 10010 in this action entered in the office of the clerk on the 5th of May, 1981 .

Dated: May 8, 1981
New York, N.Y.

Yours, etc.,

Millicent Linden
Plaintiff-Appellant
500 East 74th Street
New York, N.Y. 10021

To:
Evans, Orr, Pacelli, Norton & Laffan, P.C.
15 Park Row
New York, N.Y. 10038

1

1479-64 (C.S.)

At an Appellate Term of the Supreme Court, first department, held at the Court House, Borough of Manhattan, City of New York, on the 23rd *day of* January, 1981.

Present:—Hon. THOMAS J. HUGHES, J.P.
" CHARLES G. TIERNEY
" XAVIER C. RICCOBONO *Justices.*

MILLICENT LINDEN,
Plaintiff-Appellant,
vs.
DAVID FOX and SAMUEL GRAFF,
Defendant-Respondents.

Order upon motion. 48027/81
N.Y. Civil Court Index # 16658/80

The above named appellant having by notice of motion dated the 31st day of December 1980 moved for an order to be allowed to file notice of appeal without payment of fees; permitting plaintiff-appellant to appeal as a pauper,

Now upon reading and filing said notice of motion and the affidavits of Millicent Linden verified the 31st day of December 1981 and the 16th day of January 1981 and the papers annexed in favor of said motion, and the statement of Seymour I. Yanofsky affirmed the 12th day of January 1981

in opposition thereto,

IT IS ORDERED that said motion be and the same hereby is denied without costs.

Enter,

Justice, Appellate Term,
Supreme Court, first dept.

2

Form 8

At a term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York, on May 5, 1981.

Present—Hon. Francis T. Murphy, Jr., Presiding Justice,
Theodore R. Kupferman,
Joseph P. Sullivan,
John Carro,
Arthur Markewich, Justices.

Millicent Linden,

Plaintiff,

-against-

David Fox and Samuel Graff,

Defendants.

M-1512

The above-named plaintiff having moved for an order of this Court granting leave to appeal as a poor-person, and for other relief,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion and the papers filed in opposition or in relation thereto; and due deliberation having been had thereon,

It is ordered that said motion be and the same hereby is dismissed for lack of jurisdiction.

ENTER:

[illegible]

DEPUTY Clerk.

3

State of New York
Court of Appeals

Joseph W. Bellacosa
Clerk of the Court

Clerk's Office
Albany 12207

February 11, 1981

Ms. Millicent Linden
500 East 74th Street
New York, New York 10021

Re: Linden v. Fox - Graff

Dear Mr. Linden:

Chief Judge Cooke has referred to me for reply, your letter of January 29, 1981, concerning possible review of an order of the Appellate Term, First Department, dated January 23, 1981, which denied your motion to proceed in forma pauperis.

A review of your letter and the attachments thereto indicates that the order of January 23, 1981, is not of a type which appealable to this Court.

Very truly yours,

Joseph W. Bellacosa

Joseph W. Bellacosa

MFS:tjw

cc: Seymour I. Yanofsky, Esq.